

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ MAY 12 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LINDA CASTELLI,

Plaintiff,

-against-

COMMERCIAL RECOVERY SYSTEMS, INC.,

Defendant.

BROOKLYN OFFICE

SUMMONS ISSUED

CV 11 - 2354

VERIFIED COMPLAINT and DEMAND
FOR JURY TRIAL

GLEESON, J.

GO M.J.

Plaintiff, Linda Castelli ("Plaintiff"), through her attorneys, Krohn & Moss, Ltd., alleges the following against Defendant, Commercial Recovery Systems, Inc. ("Defendant"):

Nature of the Action

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*

Parties

2. Plaintiff is a natural person residing in Staten Island, Richmond County, New York.

3. Plaintiff is a consumer as that term is defined by 15 United States Code § 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 United States Code § 1692a(5).

4. Defendant is a debt collector as that term is defined by 15 United States Code § 1692a(6), and sought to collect a consumer debt from Plaintiff.

5. Defendant is a collection company with a business office in Dallas, Texas.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 United States Code § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

8. Defendant conducts business in the state of New York, and therefore, personal jurisdiction is established.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant is attempting to collect a debt from Plaintiff on behalf of the original creditor, Vericrest Financial (Account Number: 2849480)

11. Plaintiff's alleged debt owed to Vericrest Financial arises from transactions for personal, family, and household purposes.

12. On May 20, 2010, Plaintiff faxed a cease and desist, and a notice of representation letter to Defendant. *See Exhibit A* hereto.

13. Despite receiving Plaintiff's counsel's letter, Defendant communicated with Plaintiff after May 20, 2010, in an attempt to collect a debt. *See Exhibit B* hereto.

Claim for Relief

14. Defendant violated the FDCPA based on the following:

a. Defendant violated §1692c(a)(2) of the FDCPA by communicating with Plaintiff even though Defendant knew Plaintiff was represented by an attorney.

- b. Defendant violated §1692c(c) of the FDCPA by communicating with Plaintiff after Defendant received Plaintiff's cease and desist letter.

WHEREFORE, Plaintiff, Linda Castelli, respectfully requests judgment be entered against Defendant, Commercial Recovery Systems, Inc., for the following:

15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Linda Castelli, hereby demands trial by jury in this action.

Dated: May 3, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By:



Adam T. Hill
KROHN & MOSS, LTD.
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Chicago, Illinois 60602
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ahill@consumerlawcenter.com
Attorney for Plaintiff,
Linda Castelli

VERIFICATION

STATE OF NEW YORK)

:ss:

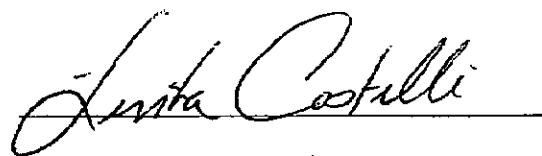
COUNTY OF RICHMOND)

Plaintiff, Linda Castelli, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Linda Castelli, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 5/4/11



Linda Castelli

Exhibit A

TRANSMISSION VERIFICATION REPORT

TIME : 05/20/2010 15:08
NAME : DEBT RELIEF CENTER
FAX : 3126765841
TEL : 3129460233
SER. #: BRUC0J138558

DATE, TIME	05/20 15:07
FAX NO./NAME	912143201695
DURATION	00:01:00
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

Lawyers United for Debt Relief

JEROME S. LAMET, ATTORNEY
P. O. BOX 81589 □ CHICAGO, IL □ 60681-0589
PHONE (312) 945-0233 www.ludr.org FAX (312) 676-5841

Fax

To: COMMERCIAL RECOVERY SYSTEMS From: RICARDO
Fax: 214-320-1695 - 214-319-9673 Date: May 20, 2010
Phone: 1800-214-7838 / 1800-214-7801 Pages: 3 (INCLUDING COVER PAGE)
Re: LINDA CASTELLI(LUDR #177772) cc:

Attn: GREG FINCHER
Ref# 8402713922 / 2849480 (610)
SS# [REDACTED]

Mrs. LINDA CASTELLI (ss # [REDACTED]) has attorney representation.

**Please do not contact
Mrs. LINDA CASTELLI.**

Exhibit B

8035 East R.L. Thornton
Suite 220
Dallas, TX 75228-7005
Address Service Requested

Urgent Communication

August 18, 2010

#BWNLPKB
#0515 7600 1657 3971#
Linda Castelli 2849480

COMMERCIAL RECOVERY SYSTEMS, INC.
(800) 214-7801 or (214) 324-9575
Hours: M - F 8am-5pm, CST

ACCOUNT IDENTIFICATION
RE: Vericrest Financial
Balance Owing [REDACTED]
Account File # : 2849480

PAYMENT REMINDER

We are sending you this reminder to help you meet your payment obligation on schedule. Please note the amount below and make your payment today so that we may have it in our office by the due date.

CURRENT AMOUNT DUE [REDACTED]

PAY THIS AMOUNT ==> [REDACTED]

PAYMENT DUE DATE [REDACTED]

INSTALLMENT BALANCE [REDACTED]

NET AMOUNT STILL OWING [REDACTED]

To credit your account properly, you must include your account # on all checks and correspondence.

This communication is from a debt collector.

This is an attempt to collect a debt. Any information obtained will be used for this purpose.

----- Detach and Return with Payment -----

Return this portion of the notice with your payment to expedite credit to your account.

Account #:	2849480	Client #:	Cir1003	Balance Due:	[REDACTED]	Amount Enclosed: \$
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Enter the requested information in the spaces provided below:

From: Linda Castelli

Employer: _____

Change of Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Telephone: _____

Telephone: _____ Ext: _____

2849480-504

COMMERCIAL RECOVERY SYSTEMS, INC.
P.O. Box 570909
Dallas, TX 75257-0909

[REDACTED]